

REMARKS

This responds to the Office Action mailed on November 13, 2008.

Claims 1, 7, 15, 18, 24, 31, 36, 40 and 42 are amended, claims 4-5, 13-14, 16-17, 21-23, 27-29, 37-39, 43-45 are canceled, and no claims are added; as a result, claims 1-3, 6-12, 15, 18-20, 24-26, 30-36, 40-42 and 46 remain pending in this application.

Communication with Examiner Yu

The undersigned participated in several telephonic communications with Examiner Yu. During the course of the these discussions, Examiner Yu kindly offered to allow the claims according to the amendments presented below. Examiner Yu is again thanked for his careful examination of the present application, and for his indication of allowable subject matter in the present application.

As a preliminary matter, the undersigned desires to emphasize that the present amendments are offered only to expedite the allowance of subject matter that the Examiner has indicated as allowable, and do not constitute an admission that any of the claims are unpatentable in view the prior art of record. Accordingly, Applicants reserve the right to present any of the present claims, in non-amended form, in any continuation, divisional or continuation-in-part application.

Claim 1 is amended to include the subject matter of dependent claims 4 and 5. Dependent claims 4 and 5 are therefore cancelled herein without prejudice to the filing of any other continuation, divisional or continuation-in-part application. Claims 1, 2, 3 and 6 are therefore presently in allowable form.

Claim 7 is amended to include the subject matter of dependent claims 13 and 14. Dependent claims 13 and 14 are therefore cancelled herein without prejudice to the filing of any other continuation, divisional or continuation-in-part application. Accordingly, claims 7-12 are now in allowable form.

Claim 15 is amended to include the subject matter of dependent claims 16 and 17. Dependent claims 16 and 17 are cancelled without prejudice to the filing of any other continuation, divisional or continuation-in-part application. Claim 15 is now therefore in allowable form.

Claim 18 is amended to include the subject matter of dependent claims 21-23. Claims 21-23 are therefore cancelled without prejudice to the filing of any other continuation, divisional or continuation-in-part application. Claims 18, 19 and 20 are now therefore in allowable form.

Claim 24 is amended to include the subject matter of dependent claims 27-29. Claims 27-29 are therefore cancelled without prejudice. Claims 24-26 and 30 are now in allowable form.

Claim 31 is amended to reflect the limitations present in amended claim 1, as indicated by the Examiner's instructions. Claims 31-35 are now therefore in allowable form.

Claim 36 is amended to include the subject matter of dependent claims 37-39. Claims 37-39 are therefore cancelled without prejudice. Claims 36 and 40-41 are allowable.

Finally, claim 42 is amended.

Reservation of Rights

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at (612) 373-6900 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

JAMES W. MEYER ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6900

Date

5/12/2009

By

Steven Arterberry
Reg. No. 46,314

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 12, 2009.

Name

Amy Moriarty

Signature

[Signature]